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IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO AND OAKLAND DIVISION

THOMAS FERNANDEZ and LORA SMITH,  
 individually and on behalf of a class of all other  
 persons similarly situated,

Plaintiffs,

vs.

K-M INDUSTRIES HOLDING CO., INC.;  
 K-M INDUSTRIES HOLDING CO., INC.  
 ESOP PLAN COMMITTEE; WILLIAM E.  
 AND DESIREE B. MOORE REVOCABLE  
 TRUST; TRUSTEES OF THE WILLIAM E.  
 AND DESIREE B. MOORE REVOCABLE  
 TRUST; CIG ESOP PLAN COMMITTEE;  
 NORTH STAR TRUST COMPANY;  
 DESIREE B. MOORE REVOCABLE TRUST;  
 WILLIAM E. MOORE MARITAL TRUST;  
 WILLIAM E. MOORE GENERATION-  
 SKIPPING TRUST; and DESIREE MOORE,  
 BOTH IN HER INDIVIDUAL CAPACITY  
 AND AS TRUSTEE OF THE WILLIAM E.  
 AND DESIREE B. MOORE REVOCABLE  
 TRUST'S SUCCESSOR TRUSTS NAMED  
 ABOVE,

Defendants.

Case No. C-06-07339 MJJ

**PLAINTIFFS' CASE  
 MANAGEMENT STATEMENT**

Case Management Conference:  
 November 5, 2007, 2 p.m.

1 Plaintiffs are concerned that Defendants K-M Industries Holding Co., Inc.; K-M  
 2 Industries Holding Co., Inc. ESOP Plan Committee; and CIG ESOP Plan Committee (hereinafter  
 3 “KM Defendants” or “KM entities”) chose to file a Case Management Statement without a single  
 4 phone call to Plaintiffs. Defendants’ submission was the first Plaintiffs have heard of any need  
 5 for a further extension of the document production deadline. The KM entities’ disregard of their  
 6 obligation to meet and confer precluded the parties from filing a Joint Case Management  
 7 Statement as required by the Local Rules. *See* L. R. 16-10(d).

8 With regard to the KM Defendants’ request that the Court grant a one-month extension  
 9 for production of ESI, Plaintiffs are willing to provide a two-week extension with no other  
 10 change to the case schedule. If the Court is inclined to grant the KM Defendants’ request for a  
 11 one-month extension, however, Plaintiffs respectfully ask that the Court put out the rest of the  
 12 dates in the Pretrial Order by one month. Granting the KM Defendants an extra month to  
 13 produce documents, without extending other dates in the schedule, will place the onus on  
 14 Plaintiffs to review what Defendants describe as a very large number of documents in a  
 15 significantly shortened time frame. Burdening Plaintiffs as a result of KM Defendants’ failure to  
 16 comply with the deadlines imposed at the last Case Management Conference would be  
 17 inappropriate and unfair.

18 Finally, unless the Court decides to deny Defendants’ request altogether, Plaintiffs  
 19 request that the Court reschedule the Case Management Conference currently set for November  
 20 5, 2007. If the Court grants a two-week extension, Plaintiffs propose that the CMC be set for the  
 21 week of November 19, 2007; if the Court grants a one-month extension, Plaintiffs propose that  
 22 the CMC be set for the week of December 3, 2007.

24 Dated: \_\_\_\_\_

Respectfully submitted,

LEWIS, FEINBERG, LEE,  
 RENAKER & JACKSON, P.C.

27 By: /s/ Daniel Feinberg  
 28 LEWIS, FEINBERG, LEE,  
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